

1 IRELL & MANELLA LLP
2 Alexander F. Wiles (CA 73596) awiles@irell.com
3 Brian Hennigan (CA 86955) bhennigan@irell.com
4 Stephanie Kaufman (CA 162644) skaufman@irell.com
5 Trevor V. Stockinger (CA 226359) tstockinger@irell.com
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

6 ARNOLD & PORTER LLP
Kenneth A. Letzler (Admitted *Pro Hac Vice*) Kenneth_Letzler@aporter.com
7 555 Twelfth Street, NW
Washington, DC 20004-1206
8 Telephone: (202) 942-5000
Facsimile: (202) 942-5999

10 Attorneys for Plaintiff
GlaxoSmithKline

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

14 SMITHKLINE BEECHAM CORPORATION,) Case No. C 07-5702 CW
d/b/a GLAXOSMITHKLINE,)
15 Plaintiff,) *Related by Order to:*
16 vs.) Case No. C-04-1511 CW
17 ABBOTT LABORATORIES,) **ORDER GRANTING STIPULATION**
18 Defendant.) **EXTENDING MOTION TO COMPEL**
19) **DEADLINES RELATING TO CERTAIN**
) **FACT DISCOVERY ISSUES**
) The Honorable Judge Wilken

1 WHEREAS, the parties completed fact discovery on February 27, 2009, with the exception
 2 of certain issues for which this Court has extended the discovery deadline in its Orders dated
 3 February 25, 2009 (Dkt. 130), March 13, 2009 (Dkt. 142), March 17, 2009 (Dkt. 147), March 20,
 4 2009 (Dkt. 150), and April 29, 2009 (Dkt. 159);

5 WHEREAS, the current deadline for motions to compel relating to written discovery
 6 served in January 2009 by Abbott Laboratories (“Abbott”) on GlaxoSmithKline (“GSK”), and by
 7 GSK on Abbott, as set out in the April 29, 2009 Order, is May 14, 2009;

8 WHEREAS, the current deadline for motions relating to Abbott’s Notice of 30(b)(6)
 9 Deposition, as set out in the April 29, 2009 Order, is May 14, 2009;

10 WHEREAS, the current deadline for motions to compel relating to certain enumerated
 11 potential deficiencies relating to each party’s production of documents, as set forth in the April 29,
 12 2009 Order, is May 14, 2009.

13 WHEREAS, the parties are continuing to discuss resolutions to their disputes concerning
 14 the discovery referenced herein, and an additional, modest extension will hopefully allow the
 15 parties to resolve any disagreements without being forced to seek this Court’s intervention;

16 WHEREAS, in light of the Court’s March 18, 2009 Order staying this case pending a
 17 decision by the panel of the Ninth Circuit Court of Appeals of Abbott’s interlocutory appeal in a
 18 related case, a brief extension will not affect the other scheduled dates previously set by this Court
 19 (including expert discovery, summary judgment, and trial).

20 **IT IS HEREBY STIPULATED AND AGREED:**

21 1. GSK and Abbott agree that any motion to compel relating to the parties’ responses
 22 to interrogatories served in January 2009 by the other party to this stipulation shall be filed by
 23 May 21, 2009; and that any such motion should be initially filed in the form of a 2-page letter
 24 brief before Judge Zimmerman.

25 2. Abbott and GSK have each identified potential deficiencies related to the other
 26 parties’ production of documents set forth in the enumerated topics contained in Joshua Y. Karp’s
 27 March 10, 2009 letter and Michael Bhargava’s March 10, 2009 letter. The parties agree that any
 28 motion to compel, or for a protective order, relating to the issues identified in this paragraph shall

1 be filed by May 21, 2009; and that any such motion should be initially filed in the form of a 2-
2 page letter brief before Judge Zimmerman.

3 3. The parties will continue to work together to attempt to resolve issues concerning
4 Abbott's Notice of 30(b)(6) Deposition and to agree upon mutually convenient dates for the GSK
5 witness(es) to be designated under Rule 30(b)(6) as soon as possible in May or June 2009. Any
6 motion regarding the 30(b)(6) Notice should be initially filed in the form of a 2-page letter brief
7 before Judge Zimmerman on or before May 21, 2009. If GSK files such a motion and Judge
8 Zimmerman allows the deposition to proceed, the parties will work together to provide mutually
9 convenient dates for the GSK witness(es) designated under Rule 30(b)(6) as soon as possible in
10 May or June 2009.

11 4. Nothing in this stipulation shall expand the parties' rights to seek relief by the
12 Court on any discovery issue, except as set forth herein or in the Court's Orders of February 25,
13 2009, March 13, 2009, March 17, 2009, March 20, 2009, and April 29, 2009.

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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:

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4 */s/ Trevor Stockinger*
Trevor Stockinger
IRELL & MANELLA LLP
5 1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
6 Attorney for GSK

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8
9 */s/ Matthew Campbell*
Matthew Campbell
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, D.C. 20007
10 Attorneys for Defendant Abbott Laboratories

11 PURSUANT TO STIPULATION, IT IS SO ORDERED

12 5/18/09

13 Dated: _____



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15 Judge Claudia Wilken
United States District Court
Northern District of California
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